

SAO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

STEVE STAEHR, Derivatively on Behalf of  
MORGAN STANLEY

V.

JOHN J. MACK, ET AL.

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CV 10368

JUDGE LYNCH

TO: (Name and address of Defendant)

MORGAN STANLEY  
1585 BROADWAY  
NEW YORK, NY 10036

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

THOMAS G. AMON, ESQ.  
LAW OFFICES OF THOMAS G. AMON  
500 Fifth Avenue, Suite 1650  
New York, NY 10110  
Tel: (212) 810-2430

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

NOV 15 2007

CLERK

*Marcos Quintero*

DATE

(By) DEPUTY CLERK



STEVE STAEHR  
- against -  
JOHN J. MACK, ET AL

Petitioner(s)  
Plaintiff(s)  
Respondent(s)  
Defendant(s)

AFFIDAVIT  
OF SERVICE

INDEX#  
07 CV 10368

STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

MALGORZATA SLADEK, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in NY.  
That on date/time: 02/15/2008 03:23PM, at 1633 BROADWAY 25TH FLOOR NEW YORK NY  
deponent served the within: SUMMONS, VERIFIED COMPLAINT

[ ] Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: MORGAN STANLEY

8 Defendant [ ] Respondent [ ] Witness (hereinafter called the recipient) therein named.

INDIVIDUAL  
A [ ]

By personally delivering to and leaving with said MORGAN STANLEY  
and that he knew the person so served to be the person mention and described in said SUMMONS, VERIFIED COMPLAINT

CORPORATION  
B [X]

By delivering to and leaving with JOHN PLOTNICK  
at 1633 BROADWAY 25TH FLOOR NEW YORK NY  
and that he knew the person so served to be the MANAGING AGENT of the corporation.

SUITABLE  
AGE PERSON  
C [ ]

Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:  
By delivering a true copy thereof to and leaving with \_\_\_\_\_  
the person of suitable age and discretion at \_\_\_\_\_  
the said premises being the recipient's [ ] Dwelling/Usual place of abode [X] Actual place of business within the State of New York.

AFFIXING TO  
DOOR, ETC.  
D [ ]

By affixing a true copy thereof to the door of said premises, the same being the recipient's  
[ ] Dwelling/Usual place of abode [X] Actual place of business within the State of New York. Deponent had previously attempted to serve  
the above named recipient on/at: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
Deponent spoke with \_\_\_\_\_ who stated to deponent that the said recipient(s)  
lived at the aforementioned address, but did not know recipient's place of employment.

MAILING TO  
RESIDENCE  
E1 [ ]

Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient  
to recipient's last known residence at \_\_\_\_\_  
and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service  
within New York State on 02/15/2008.

MAILING TO  
BUSINESS  
E2 [ ]

Use with C or D

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient  
to recipient's actual place of business at \_\_\_\_\_  
in an official repository under the exclusive care an custody of the US Postal Service within New York State. The envelope bore the  
legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication  
was from an attorney or concerned an action against the recipient and mailed on 02/15/2008.

F [X]

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.  
DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

VOID WITHOUT  
DESCRIPTION  
Use with A,B,C,D

[X] Male	[X] White Skin	[ ] Black Hair	[ ] White Hair	[ ] 14 - 20 Yrs.	[ ] Under 5'	[ ] Under 100 Lbs.
[ ] Female	[ ] Black Skin	[ ] Brown Hair	[ ] Balding	[ ] 21 - 35 Yrs.	[ ] 5'0" - 5'3"	[ ] 100 - 130 Lbs.
	[ ] Yellow Skin	[ ] Blonde Hair	[ ] Moustache	[X] 36 - 50 Yrs.	[ ] 5'4" - 5'8"	[ ] 131 - 160 Lbs.
	[ ] Brown Skin	[X] Gray Hair	[ ] Beard	[ ] 51 - 65 Yrs.	[X] 5'9" - 6'0"	[X] 161 - 200 Lbs.
	[ ] Red Skin	[ ] Red Hair	[ ] Glasses	[ ] Over 65 Yrs.	[ ] Over 6'	[ ] Over 200 Lbs.

Other identifying features: MOUSTACHE, BEARD

WITNESS FEE  
G [ ]

Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:  
[ ] was paid (tendered) to the recipient [ ] was mailed to the witness with subpoena copy.

MILITARY  
SERVICE  
[X]

I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any  
capacity whatsoever and received a negative reply. *Defendant wore civilian clothes and no military uniform.* The source of my  
information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

19 day of February, 2008

Notary Signature: Linda Grumble

Name of Notary LINDA GRUMBLE

NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Nov. 9, 2012

I, MALGORZATA SLADEK,  
was at the time of service a competent adult  
not having a direct interest in the litigation.  
I declare under penalty of perjury that the  
foregoing is true and correct.

Chaly  
Signature of Process Server  
Date 2/19/2008